

UNITED STATES DISTRICT COURT
for the
District of Nebraska

United States of America

V.

Victor Tamayo

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Case No: 8:09CR66

USM No. 22848-047

Karen M. Shanahan

Defendant's Attorney

Date of Original Judgment: 11/24/2009

11/24/2009

Date of Previous Amended Judgment: _____

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable.

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 135 months is reduced to 120.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 11/24/2009 shall remain in effect.

IT IS SO ORDERED.

Order Date: 01/12/2016

John Sitt Campbell

Judge's signature

Effective Date: _____
(if different from order date)

Laurie Smith Camp, Chief U.S. District Judge

Printed name and title

**This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)**

Victor Tamayo

DEFENDANT: _____

CASE NUMBER: 8:09CR66

DISTRICT: District of Nebraska

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: 31

Amended Total Offense Level: 29

Criminal History Category: III

Criminal History Category: III

Previous Guideline Range: 135 to 168 months

Amended Guideline Range: 120 to 135 months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS

The Defendant's pro se Motion to Reduce Sentence - USSC Amendment (Filing No. 131) is granted, the Defendant's Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 137) is granted; and the parties' Stipulation regarding the Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 138) is approved.